

FILED

APR 14 2008

**RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN LOUIS MITCHAM,

No C-97-3825 VRW

Petitioner,

ORDER REGARDING JOINT
STATEMENT PERTAINING TO MOTIONS
FOR SUMMARY JUDGMENT AND
EVIDENTIARY HEARING

v

ROBERT L AYERS, Warden,

Respondent.

The court is in receipt of the parties' Joint Statement Re: Discovery & Motions For Summary Judgment And Evidentiary Hearing. The court agrees with the litigation schedule proposed by the parties, with the exception of their intent to include a request for an evidentiary hearing in petitioner's oppositions to respondent's motions for summary judgment. In the interest of efficiency, the court directs the parties to reserve the litigation of evidentiary hearing matters for a separate round of briefing that will follow the adjudication of respondent's motions for summary judgment. Accordingly, the parties shall proceed as follows:

- 1) Respondent shall file his guilt phase motion for summary judgment not later than May 12, 2008;

1 2) Petitioner shall file an opposition to respondent's motion
2 not later than August 11, 2008;

3 3) Respondent shall file a reply not later than October 13,
4 2008;

5 4) Respondent's subsequent motions for summary judgment will
6 be filed in a series according to the trial phases set forth
7 in the parties' "Joint Statement Re: Discovery & Motions For
8 Summary Judgment And Evidentiary Hearing" filed on March 17,
9 2008.

10 IT IS SO ORDERED.



VAUGHN R WALKER
United States District Chief
Judge